

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)

v.)

CIVIL NO. 5:01-CV-53-WHB-AGN

1.37 ACRES OF LAND, MORE OR LESS,)
KNOWN AS TRACT 102-03, TRACT)
102-05 AND TRACT 102-09, SITUATED)
IN ADAMS COUNTY, MISSISSIPPI,)
BIGLANE INVESTMENTS, LP., EMILY)
ANN STEIN BENJAMIN, JAN CAROLE)
BENJAMIN, JACK BENJAMIN, JR.)
JEFFREY A. STEIN, JOSEPH STEIN, JR.,)
INDIVIDUALLY AND AS TRUSTEES)
FOR JOSEPH ANDREW STEIN, JIMMY)
AND BRITTON GAMMIL, AS TENANTS)
ON TRACT 102-03, ADAMS COUNTY)
TAX ASSESSOR AND ANY UNKNOWN)
OWNERS OR CLAIMANTS.)
)
Defendants.)

CORRECTED JUDGMENT DETERMINING COMPENSATION

THIS CAUSE coming on for the Correction of the original Judgment Determining Compensation as to the tracts set out herein, pursuant to the Verdict of the Jury returned herein on August 19, 2005, and, after a review of the motion and proceedings herein, this Court enters judgment as follows:

A Judgment Determining Compensation was entered herein on October 3, 2005, that contained a drafting error in that the document excepted from the estate condemned by the United States of America the oil and gas rights in third parties; however, none of the pleadings, including the complaints and amended complaint, and lis pendens notices contained an exception

for the oil and gas rights. The error arose because the “form” judgment used by the government attorney as a model contained language excepting mineral interests from the estate condemned. The government brought this error to the attention of the defendant landowners as soon as it was discovered and has advised them that the purpose of this Corrected Judgment is to capture what actually happened in this legal proceeding by correcting this error. Although payment to the defendant landowners has already been made and there is no intent to pay any additional monies to correct the error, the judgment is hereby amended to read as follows:

1.

That this action in condemnation was commenced in the above Court by the filing on March 5, 2001, of three separate Complaints in Condemnation (5:01CV53WHBAGN, Tracts 102-03, 102-05 and 102-09) (5:01-CV-55WHBAGN, Tracts 102-16 and 102-23) and (5:02CV-56WHBAGN, Tracts 102-12 and 102-15) on behalf of the United States of America to acquire by the power of eminent domain the fee simple title subject to existing easements for public roads and highways, public utilities, railroads, and pipelines, canals and ditches. That these three causes of action were consolidated by order of this Court on November 30, 2004.

2.

That the correct legal description of the properties and estates acquired by the United States of America in Tracts 102-03, 102-05, 102-09, 102-12, 102-15, 102-16 and 102-23 are described in the complaints and amended complaint in condemnation filed herein.

3.

That the United States of America, plaintiff herein, has the right to condemn the property and estate herein described for the public purpose set forth in the complaint, and, specifically in

connection with the Natchez National Historical Park.

4.

That the sum for:

Tract No. 102-03 in the amount of \$667,942.00

Tract No. 102-05 in the amount of 20,000.00

Tract No. 102-09 in the amount of 37,300.00

Tract No. 102-12 in the amount of 335,450.00

Tract No. 102-15 in the amount of 26,500.00

Tract No. 102-16 in the amount of 30,000.00 and

Tract No. 102-23 in the amount of 22,500.00 for a total of \$1,139,692.00, as found by the jury, is the just compensation to be paid by the plaintiff for the taking of each of the estates as described in the complaints and amended complaint filed herein.

5.

That the sum of \$1,139,692.00, inclusive of interest, shall be subject to all liens, encumbrances and charges of whatsoever nature existing against said land at the time of vesting title thereto in the United States of America, if any, and that all such liens, encumbrances and charges shall be payable and deductible from said sum.

6.

That the sum of \$1,139,692.00, inclusive of interest, was deposited by the United States of America into the registry of the court in satisfaction of judgment on October 3, 2005.

IT IS ORDERED that the fee simple title as more fully described in the complaints and amended complaint filed herein, and known as Tract Nos. 102-03, 102-05, 102-09, 102-12, 102-

15, 102-16 and 102-23 vested in the United States of America upon deposit of said \$1,139,692.00 on October 3, 2005.

IT IS FURTHER ORDERED that the Clerk of Court shall disburse the aforementioned sum of \$1,139,692.00, payable to the order of the Hon. Bruce M. Kuehnle, in trust, as attorney for the landowners, and mail said check to him at his regular mailing address, which is P.O. Box 866, Natchez, Mississippi 39121-0866.

SO ORDERED, on this 18th day of May, 2007.

s/William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE

Submitted by:

s/ Alfred B. Jernigan, Jr.
Alfred B. Jernigan, Jr.
Attorney for Government